

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :

Ralf SCHWEINFURTH et al.:

Serial No.: 09/743,758

Examiner: BHAT, Nina

Filed: January 16, 2001

Group Art Unit: 1761

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MAY 24 2005

OFFICE OF PETITIONS

For: COLORATION WITH PEARLY LUSTER PIGMENTS IN THE FOOD AND
PHARMACEUTICAL SECTORS

**PETITION TO WITHDRAW FROM ISSUE UNDER 37 C.F.R. §1.313(c)(2) FOR
CONSIDERATION OF A REQUEST FOR CONTINUED EXAMINATION**

Mail Stop PETITIONS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

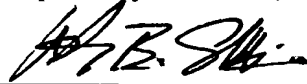
Sir:

On February 28, 2005, Applicants submitted an Issue Fee Transmittal form in response to the Notice of Allowance, dated November 20, 2004. (For completeness, it is noted that the issue fee had been previously paid on August 10, 2004, but the Examiner reopened prosecution. The application was again allowed on November 30, 2004, and applicants paid the amount of \$70.00, reflecting the increase in the issue fee amount at that time. Moreover, the U.S.P.T.O. debited counsel's deposit account for an additional \$1330.00, apparently not acknowledging the initial issue fee payment. See the petition filed April 21, 2005.)

Applicants request the withdrawal of the application from issue under 37 C.F.R. §1.313(c)(2) and the continued examination of the application. The attached IDS (including references) satisfies the submission requirement under 37 C.F.R. §1.114.

The Commissioner is hereby authorized to charge the petition fee for 37 C.F.R.
§1.17(h) of \$130.00 or any other fees associated with this response or credit any overpayment
to Deposit Account No. 13-3402.

Respectfully submitted,



Harry B. Shubin (Reg. No. 32,004)
Attorney for Applicant(s)

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Filed: May 24, 2005

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